

REMARKS

The Communication dated January 24, 2006 has been considered. In view of the below comments, reconsideration of the application is requested.

In the Communication, Applicant's October 27, 2005 amendment is considered not fully responsive for failure to point out how Claim 7 is patentable over the previously applied prior art. While Applicants disagree with the statement, the following remarks are provided in order to advance prosecution.

With respect to Claim 7, the rejection under 35 USC §103 as being unpatentable over Sjostrom (U.S. Patent No. 5 871 493) in view of Cook (U.S. Patent No. 5 241 990), and further in view of Schwarz, (U.S. Patent No. 4 927 116) has been considered.

Claim 7 has been rewritten in independent form and includes features from allowed dependent Claim 8. Claim 7 now specifically recites "a retaining member positioned in a bore defined in said valve, said bore being positioned so that said retaining member is directed towards a surface of said housing", and "a removable locking member positioned to engage said retaining member". These features from cancelled Claim 8 are illustrated in Applicant's Figures 2 and 7, respectively.

Sjostrom and Cook, either alone or in combination, are not believed to include the claimed bore and retaining member, much less in combination with the removable locking member. Schwarz is relied on for the teaching of a bore and a retaining member.

There is no motivation absent Applicant's specification, to provide the bore and retaining member of Schwarz for the handpiece of Sjostrom. Moreover, Schwarz does not disclose or suggest a removable locking member in combination with the retaining member.

For the above reasons, Claim 7 is believed allowable over the applied prior art.

The rejection of Claim 7 under the judicially created doctrine of obviousness-type double patenting as unpatentable over Claims 7 and 10 of U.S. Patent No. 6 312 441 (the '441 Patent) to Deng in view of Cook has been considered.

Claims 7 and 10 of the '441 Patent do not disclose the above referenced combination including a retaining member positioned in a bore defined in the valve in combination with a removable locking member positioned to engage the retaining member. Further, Cook does not address these features. Therefore, Claim 7 is believed distinguishable from Claims 7 and 10 of the '441 Patent.

Comments with respect to the other claims are set forth in Applicant's amendment dated October 27, 2005 and entry thereof is respectfully requested.

In view of the October 27, 2005 amendment and the comments set forth above, the instant application is believed to be in condition for allowance, and action toward that end is respectfully requested.

Respectfully submitted,

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